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10/822,817	04/13/2004	Takeru Nakazato	089367-0126	3462

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EXAMINER

KHOSHNOODI, FARIBORZ

ART UNIT	PAPER NUMBER
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2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/822,817

Applicant(s)

NAKAZATO ET AL.

Examiner

Fariborz Khoshnoodi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/7/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Detailed Action

Response to amendment

1. Applicant's arguments/amendments with respect to pending claims 1-28 and added claims 29-30 filed February 7, 2007 have been fully considered but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).
2. Applicant requested for acknowledgement of claim for convention priority, which is submitted and filed on May 18, 2004. This priority acknowledgement has been considered and marked in the Office Action Summary.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8-10, 14-19, 23-25, and 29-30 are rejected under 35 U.S.C. § 102(b) as being fully anticipated by Andrew Florance et al. United States Patent No. 6,871,140 B1.

As per claim 1:

Florance et al. teach a system comprising: an input receiving unit which receives a query to a database from a user, creates a user query for searching information from a database in

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accordance with the query of the user, and outputs the created user query (column 20 lines 55-59); a query generating unit which receives the user query or a re-search query for re-searching information from a database, generates a database query for actually searching information from the database in accordance with the user query or the re-search query, and outputs the created database query (column 11 lines 1-8); a searching unit which executes a search of information in accordance with the database query, and outputs an information searching result (column 21 lines 36-40); an analyzing unit which analyzes the information searching result output by the searching unit and outputs an information analyzing result (column 3 lines 44-48); an output control unit which outputs the information analyzing result from the analyzing unit as output information, creates the re-search query by using the information analyzing result, and supplies the created re-search query to said query generating unit (column 3 lines 44-52); and a condition setting unit which has an analyzing condition for analyzing the information searching result and an output condition for outputting the output information, supplies the analyzing condition to said analyzing unit, and supplies the output condition to said output control unit, wherein said analyzing unit analyzes the information searching result in accordance with the analyzing condition from said condition setting unit (column 9 lines 42-49); and said output control unit outputs the output information in accordance with the output condition from said condition setting unit (column 62 lines 59-64).

As per claim 2:

Florance et al. teach a system, further comprising an output setting unit which receives conditions, concerning an analyzing of the information searching result and an output of the

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output information, from the user, and provides the received conditions to said condition setting unit, wherein said condition setting unit holds the conditions from said output setting unit as the analyzing condition and the output condition (column 62 lines 53-59).

As per claim 3:

Florance et al. teach a system, further comprising a document searching unit which receives the output information output by said output control unit, searches a document related to the output information from the database, and outputs a document searching result (column 48 lines 14-19).

As per claim 4:

Florance et al. teach a system, further comprising a second analyzing unit which receives the document searching result, analyzes the document searching result by extracting predetermined information from the document searching result, and outputs a document analyzing result (column 40 lines 45-49).

As per claim 8:

Florance et al. teach a system comprising: an input receiving unit which receives a query to a database and a designation of information to be output, from a user, creates a user query for searching information from the database and a designation information representing the information to be output, in accordance with the query and the designation of the user, and outputs the user query and the designation information (column 15 lines 35-37); a search

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procedure setting unit which sets a search procedure in accordance with the user query and the designation information, and outputs a database query list representing the search procedure (column 15 lines 40-44); a search control unit which controls a search of information from the database and an analyzing of an information searching result, in accordance with the database query list and the user query, and outputs an information analyzing result as output information (column 3 lines 44-52); a searching unit which executes the search of information under control of said search control unit, and outputs the information searching result (column 21 lines 36-40); an analyzing unit which executes the analyzing of the information searching result under control of said search control unit, and outputs the information analyzing result to said search control unit (column 3 lines 44-52); a condition setting unit which has an analyzing condition for analyzing the information searching result, and supplies the analyzing condition to said analyzing unit, wherein said analyzing unit executes the analyzing of the information searching result in accordance with the analyzing condition from said condition setting unit (column 9 lines 42-49).

As per claim 9:

Florance et al. teach a system, further comprising a document searching unit which receives the output information output by said search control unit, searches a document related to the output information from the database, and outputs a document searching result (column 48 lines 14-19).

As per claim 10:

Florance et al. teach a system, further comprising a second analyzing unit which receives the document searching result, analyzes the document searching result by extracting predetermined information from the document searching result, and outputs a document analyzing result (column 48 lines 14-19).

As per claim 14:

Florance et al. teach a system/method comprising the steps of: receiving a query to a database from a user (column 15 lines 35-37); creating a user query for searching information from the database in accordance with the query of the user (column 37 lines 36-40); creating a database query for actually searching information from a database in accordance with the user query or a re-search query for re-searching information from the database (column 15 lines 35-37); executing a search of information in accordance with the database query (column 48 lines 60-63); analyzing an information searching result obtained by the search of information, in accordance with an analyzing condition for analyzing the information searching result (column 9 lines 42-49); creating the re-search query by using an information analyzing result which is obtained by analyzing the information searching result (column 3 lines 44-52); outputting the information analyzing result as output information, in accordance with an output condition for outputting the information analyzing result (column 9 lines 42-49).

As per claim 15:

Florance et al. teach a system/method, further comprising the steps of: receiving conditions concerning an analyzing of the information searching result and an output of the

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output information, from the user, and holding the conditions as the analyzing condition and the output condition (column 2 lines 26-29).

As per claim 16:

Florance et al. teach a system/method, wherein said outputting the output information includes outputting the output information every time when the analyzing of the information searching result is executed (column 3 lines 44-52).

As per claim 17:

Florance et al. teach a system/method, wherein said outputting the output information includes: holding the information analyzing result which is obtained by each analyzing of the information searching result (column 2 lines 26-29); and outputting the held information analyzing results in one time, in a case where all re-searches are completed (column 32 lines 32-38).

As per claim 18:

Florance et al. teach a system/method, further comprising the steps of: searching a document related to the output information from the database (column 48 lines 14-19); and outputting a document searching result obtained by the searching (column 48 lines 14-17).

As per claim 19:

Florance et al. teach a system/method, further comprising the steps of: analyzing the document searching result by extracting predetermined information from the document searching result (column 40 lines 45-49); outputting a document analyzing result obtained by analyzing the document searching result (column 40 lines 45-49).

As per claim 23:

Florance et al. teach a system/method comprising: receiving a query to a database and a designation of information to be output, from a user (column 20 lines 55-59); creating a user query for searching information from the database and a designation information representing the information to be output, in accordance with the query and the designation of the user (column 14 lines 62-65); setting a search procedure in accordance with the user query and the designation information, thereby a database query list representing the search procedure is created (column 47 lines 3-9); creating a database query for controlling a search of information from the database, in accordance with the database query list and the user query (column 37 lines 36-40); executing the search of information in accordance with the database query (column 48 lines 60-63); analyzing an information searching result obtained by executing the search, in accordance with an analyzing condition for analyzing the information searching result (column 9 lines 42-49); and outputting an information analyzing result obtained by analyzing the information searching result, as output information, in accordance with an output condition for outputting the output information (column 9 lines 42-49).

As per claim 24:

Florance et al. teach a system/method, further comprising the steps of: searching a document related to the output information from the database (column 48 lines 14-19); and outputting a document searching result obtained by the searching (column 48 lines 14-17).

As per claim 25:

Florance et al. teach a system/method, further comprising the steps of: analyzing the document searching result by extracting predetermined information from the document searching result (column 40 lines 44-49); outputting a document analyzing result obtained by analyzing the document searching result (column 40 lines 45-49).

As per claim 29:

Florance et al. teach a system/method, wherein the re-search query is created without any user input except for the user previously creating the query (column 21 lines 11-16).

As per claim 30:

Florance et al. teach a system/method, wherein the re-search query is created without any user input except for the user previously creating the query(column 21 lines 11-16)..

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-6, 11-12, 20-21, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florance et al. United States Patent No. 6,871,140 B1 and further in view of Yianilos et al. United States Patent No. 7,107,263B2.

As per claims 5:

Florance et al. do not explicitly disclose for the document format change. However, Yianilos et al. teaches a system, further comprising a format changing unit which receives the document analyzing result, changes a format of the document analyzing result into a predetermined format, and outputs a document analyzing result whose format is changed (column 13 lines 55-56, 62-67 and column 14 line 1). This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance et al. and Yianilos et al. before him/her, to modify the system of Florance et al. to include the capability of changing document's format, as disclosed by Yianilos et al. , because the query can compared against the set of changed paragraph of document and identify the highest-ranking paragraph with lowest-cost and make the search match easier (column 14 lines 1-4).

As per claim 6:

Florance et al. as modified do not explicitly disclose for the complements the output information with information concerning the output information. However, Yianilos et al. teaches a system, further comprising a complementing unit which receives the output

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information output by said output control unit, and complements the output information with information concerning the output information (Abstract lines 10-12). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the system disclosed in Florance et al. to have capability to complements the output information with information concerning the output information. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance et al. and Yianilos et al. before hem/her, to modify the system of Florance et al. to include the capability of complements the output information with information concerning the output information, would have been motivated to do so since Yianilos et al suggest it. such that a multistage search that handle typographic error efficiently is complemented by a search that handles phonetic misspelling efficiently (column 3 lines 62-64).

As per claim 11:

Florance et al. do not explicitly disclose for the document format change. However, Yianilos et al. teaches a system, further comprising a format changing unit which receives the document analyzing result, changes a format of the document analyzing result into a predetermined format, and outputs a document analyzing result whose format is changed (column 13 lines 55-56, 62-67 and column 14 line 1). This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance et al. and Yianilos et al. before hem/her, to modify the system of Florance et al. to include the capability of changing document's format, as disclosed by Yianilos et al. , because the query can compared against the set of changed paragraph of

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document and identify the highest-ranking paragraph with lowest-cost and make the search match easier (column 14 lines 1-4).

As per claim 12:

Florance et al. as modified do not explicitly disclose for the complements the output information with information concerning the output information. However, Yianilos et al. teaches a system, further comprising a complementing unit which receives the output information output by said search control unit, and complements the output information with information concerning the output information to the output information (Abstract lines 10-12). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the system disclosed in Florance et al. to have capability to complements the output information with information concerning the output information. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance et al. and Yianilos et al. before hem/her, to modify the system of Florance et al. to include the capability of complements the output information with information concerning the output information, would have been motivated to do so since Yianilos et al suggest it. such that a multistage search that handle typographic error efficiently is complemented by a search that handles phonetic misspelling efficiently (column 3 lines 62-64).

As per claim 20:

Florance et al. do not explicitly disclose for the document format change. However, Yianilos et al. teaches a system/method, further comprising the steps of: changing a format of the

document analyzing result into a predetermined format (column 13 lines 55-56, 62-67 and column 14 line 1); and outputting a document analyzing result whose format is changed. (column 13 lines 55-56, 62-67 and column 14 line 1). This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance et al. and Yianilos et al. before hem/her, to modify the system of Florance et al. to include the capability of changing document's format, as disclosed by Yianilos et al. , because the query can compared against the set of changed paragraph of document and identify the highest-ranking paragraph with lowest-cost and make the search match easier (column 14 lines 1-4).

As per claim 21:

Florance et al. as modified do not explicitly disclose for the complements the output information with information concerning the output information. However, Yianilos et al. teaches a system/method, further comprising the step of: complementing the output information with information concerning the output information (Abstract lines 10-12). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the system disclosed in Florance et al. to have capability to complements the output information with information concerning the output information. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance et al. and Yianilos et al. before hem/her, to modify the system of Florance et al. to include the capability of complements the output information with information concerning the output information, would have been motivated to do so since Yianilos et al

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suggest it. such that a multistage search that handle typographic error efficiently is complemented by a search that handles phonetic misspelling efficiently (column 3 lines 62-64).

As per claim 26:

Florance et al. do not explicitly disclose for the document format change. However, Yianilos et al. teaches a system/method, further comprising the steps of: changing a format of the document analyzing result into a predetermined format (column 13 lines 55-56, 62-67 and column 14 line 1); and outputting a document analyzing result whose format is changed (column 13 lines 55-56, 62-67 and column 14 line 1). This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance et al. and Yianilos et al. before hem/her, to modify the system of Florance et al. to include the capability of changing document's format, as disclosed by Yianilos et al. , because the query can compared against the set of changed paragraph of document and identify the highest-ranking paragraph with lowest-cost and make the search match easier (column 14 lines 1-4).

As per claim 27:

Florance et al. as modified do not explicitly disclose for the complements the output information with information concerning the output information. However, Yianilos et al. teaches a system/method, further comprising the step of complementing the output information with information concerning the output information (Abstract lines 10-12). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the system

disclosed in Florance et al. to have capability to complements the output information with information concerning the output information. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance et al. and Yianilos et al. before hem/her, to modify the system of Florance et al. to include the capability of complements the output information with information concerning the output information, would have been motivated to do so since Yianilos et al suggest it. such that a multistage search that handle typographic error efficiently is complemented by a search that handles phonetic misspelling efficiently (column 3 lines 62-64).

7. Claims 7, 13, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florance et al. United States Patent No. 6,871,140 B1 and further in view of Yianilos et al. United states Patent No. 7,107,263 B2, and further in view of Pelletier et al. United States Patent No. 6,737,508 B1.

As per claim 7, 13, 22, 28:

Claim 7, 13, 22, and 28 are rejected on grounds corresponding to the reason given above for claims 6, 12, 21, and 28. Also combination of Florance et al. and Yianilos et al. as modified teaches a method, wherein the user query corresponds to a specific gene or protein, and wherein the information analyzing result to be used to create the re-search query include accession numbers of the specific gene or protein (Yianilos et al. column 6 lines 46-51) which create a database table from search result which can be gene or protein information. However the combination of Florance et al. and Yianilos et al. do not explicitly disclose the information to be searched is biological information. However Pelletier et al. teach a system/method, wherein the

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information to be searched is biological information (column 4 lines 50-53). Therefore, the combination of Florance et al. and Yianilos et al. do not explicitly disclose the information to be searched is biological information. It would have been obvious to a person in the art at the time the invention was made to modify the system/method disclosed in combination of Florance et al. and Yianilos et al. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, having the teachings of Florance and Yianilos et al. before hem/her, to modify the system/method of Florance et al. and Yianilos et al. to include information to be searched is biological information would have been motivated to do so since it is suggested by Pelletier et al. such that, the data obtained from these cell culture assays and animal studies can be used in formulating a range of dosage for use in humans (column 28 lines 21-23).

Response to Arguments

8. Applicants contend that Florance et al. fail to teach "a re-search of a same database that has been previously searched, in order to obtain better search criteria". Examiner respectfully disagrees. Florance et al. teach a query system which allows users to refine searches by adding new search term to the original search request (*i.e.*, "The system of the present invention also provides intelligent searching the query system allows the user to add/remove terms from the search without rerunning the entire search. This allows users to refine searches. The ADD/DELETE feature lets the user narrow the user's existing search results by adding search terms to the

user's original search request. The search software retains the user's original search request and corresponding search results."(column 11 lines 1-8)).

9. Applicants contend that Florance et al. fail to teach "an analyzing condition is set by a condition setting unit to be used by an analyzing unit to analyze data obtained from a database". Examiner respectfully disagrees. Florance et al. teach a system, which retrieve data from database by using query language. It is known in the art that with query language the user is able to set the search criteria in the select command to suit the analyzing condition for retrieving data from database based on their need (*i.e.*, "This is a database of more than 15.3 billion feet of commercial space in the United States (mostly office and industrial), combining hundreds of data fields such as space availability, sales comps, properties for sale, ownership, photos, size, location, and characteristics. CoStar Property has fostered the development of the digital leasing marketplace. Clients use CoStar Property to research leasing options, analyze market conditions and competitive property positions, and produce multimedia client presentations. Members of the broader commercial real estate community, including non-CoStar Property subscribers, Use CoStar Property extensively to market their properties. The subscriber can query CoStar Property with any combination of pertinent criteria, combining any of approximately one hundred data fields

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from categories such as building size, location, building characteristics, space, availability, ownership, or sales comparables. CoStar Property's search engine scans through hundreds of millions of square feet of space in a specified market in seconds to find all the properties meeting the search criteria. The user can select from over 50 customizable reports, presenting space availability, comparable sales, tenant activity, market statistics, photographs, and floor plans. The user can export and edit reports, photos and floor plans to help determine feasibility of a specific space. Clients also use CoStar Property to analyze market conditions by calculating current vacancy rates, absorption rates, or average rental rates."(column 61 lines 31-57)).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fariborz Khoshnoodi whose telephone number is 571-270-1005. The examiner can normally be reached on M-Th every other F 8:00-4:00..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Fariborz Khoshnoodi
Examiner
Art Unit 2168

FK

F.k.



TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100